



## INTERIOR BOARD OF INDIAN APPEALS

Arlene M. Ortiz v. Northwest Regional Director, Bureau of Indian Affairs

38 IBIA 71 (08/15/2002)



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

ARLENE M. ORTIZ,  
Appellant

v.

NORTHWEST REGIONAL DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
Appellee

: Order Dismissing Appeal  
:  
:  
:  
: Docket No. IBIA 01-61-A  
:  
:  
: August 15, 2002

Appellant Arlene M. Ortiz sought review of a December 20, 2000, decision issued by the Northwest Regional Director, Bureau of Indian Affairs (Regional Director; BIA), concerning the relocation of an irrigation delivery system from Allotment 3020 to Allotment 641 on the Fort Hall Reservation. For the reasons discussed below, the Board of Indian Appeals (Board) dismisses this appeal as moot.

The irrigation delivery system at issue here was installed to provide irrigation water for sprinkler-irrigated farm Lease 91-26. Lease 91-26 expired by its own terms on December 31, 2000. Opposing parties Ken and Rick Shawver, lessees under Lease 91-26, have argued in this appeal that the matter is moot based on the expiration of Lease 91-26. Although Appellant filed a reply brief, she did not respond to the argument that the appeal is moot.

The Board does not address moot appeals, without some compelling reason. See, e.g., Kjerstad v. Aberdeen Area Director, 36 IBIA 130 (2001), and cases cited there; Hall v. Billings Area Director, 33 IBIA 290 (1999); Bird v. Billings Area Director, 33 IBIA 282 (1999); Cannon v. Acting Anadarko Area Director, 33 IBIA 159 (1999); Treadwell v. Acting Anadarko Area Director, 22 IBIA 185 (1992). No such reason has been advanced here.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is dismissed as moot.

//original signed

Kathryn A. Lynn  
Chief Administrative Judge

//original signed

Anita Vogt  
Administrative Judge